

Action
OCA 86-1330

OFFICE OF CONGRESSIONAL AFFAIRS

Routing Slip

	ACTION	INFO
1. D/OCA		X
2. DD/Legislation	X	X
3. DD/Senate Affairs		X
4. Ch/Senate Affairs		
5. DD/House Affairs		X
6. Ch/House Affairs		
7. Admin Officer		
8. Executive Officer		X
9. FOIA Officer		
10. Constituent Inquiries Officer		
11. <input type="text"/>		X
12. <input type="text"/>		

SUSPENSE COB 11JUN86
Date

Action Officer:	<input type="text"/>
Remarks:	<input type="text"/>

BC / 10 Jun 86
Name/Date



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

86-1938

June 10, 1986

SPECIAL

LEGISLATIVE REFERRAL MEMORANDUM

SPECIAL

TO:

Department of Justice - Jack Perkins (633-2113)
Department of Defense - Werner Windus (697-1398)
✓ Central Intelligence Agency

heg

SUBJECT: Proposed amendments of H.R. 3614, concerning
"portal-to-portal" transportation.

The Office of Management and Budget requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with Circular A-19.

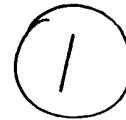
Please provide us with your views no later than COB -- June 11, 1986.

Direct your questions to Gregory Jones (395-3454), of this office.


James C. Murr for
Assistant Director for
Legislative Reference

Enclosures

cc: Arnold Intrater	John Cooney
Frank Kalder	Gordon Wheeler
Russ Neeley	Frank Reeder



1. a. Delete the word "executive" before the word "agency" or "agencies" in subsections (a)(1), (b)(7), and (d)(2).

b. Designate paragraph (2) in subsection (e) as paragraph (3). Insert a new paragraph (2) as follows:

"(2) The term, 'agency' has the meaning specified in section 101 of this title, provided that it shall not apply to members of the Congress, the Architect of the Capitol, and their respective employees in the legislative branch, nor to the Chief Justice of the Supreme Court in the judicial branch."

c. Amend the reference to "section 103 of this title" in newly designated paragraph 3 of this subsection to read "section 102 of this title."

2. Add a new sentence at the end of subsection (a)(2), as follows:

"For purposes of this section, the term 'field work' means work which requires itinerant travel from location to location during the work period. An employee whose work period begins at his or her official Government duty station or who commutes to a fixed location, however far removed from his or her official duty station, is not performing field work within the meaning of this section."

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3. Add a new sentence at the end of subsection (b)(7), as follows:

"For purposes of this subsection, a clear and present danger exists only when a showing can be made that the perceived danger is (i) actual, not hypothetical; (ii) immediate or imminent, not potential; and (iii) the use of a Government vehicle would provide protection not otherwise available."

4. Add a new subsection (1) at the end of section 1344, as amended, as follows:

"(1) Each agency shall keep a log or record of each instance in which Government transportation is provided to any officer or employee. Such record or log shall include the name of the employee being transported, the date, the time, the origination point, the destination, and the purpose of such transportation."

"(2) For each fiscal year until and including fiscal year 1991, the head of each agency shall include in the budget justification for the agency submitted each year to the Committees on Appropriations of both Houses of Congress a report of any Government transportation provided to a Government officer or employee between his home and place of work, based on the records compiled by the agency during the previous year pursuant to paragraph (1). Such report shall also be provided to the House Committee on Government Operations and the Senate Committee on Governmental Affairs."

Purpose: To permit the use of passenger carriers by officers and employees carrying out intelligence, counterintelligence, national security, protective, or criminal law enforcement functions for transportation to their places of employment.

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IN THE SENATE OF THE UNITED STATES--99th Cong., 2d Sess.

H.R. 3614

To restrict the use of government vehicles for transportation of officers and employees of the Federal Government between their residences and places of employment, and for other purposes.

Referred to the Committee on ----- and
ordered to be printed

Ordered to lie on the table and to be printed

Amendments intended to be proposed by Mr. Leahy

Viz:

1 On page 1, line 3, insert `` (a) `` before `` section ``.

2 On page 2, line 3, insert before the period a comma and

3 `` except as provided in paragraph (3) ``.

4 On page 2, between lines 8 and 9, insert the following:

5 `` (3) (A) For purposes of paragraph (1), transportation
6 between the residence of an officer or employee of an
7 executive agency designated by the Director of the Office of
8 Management and Budget pursuant to subparagraph (B) and such

(4)

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1 officer's or such employee's place of employment is

2 transportation for an official purpose if--

3 “(i) such transportation is necessary for the safe
4 and efficient performance of intelligence,
5 counterintelligence, national security, protective, or
6 criminal law enforcement functions specifically assigned
7 to such officer or employee by the head of such agency;
8 and

9 “(id) such transportation is approved in writing by
10 the head of such agency.

11 “(B) Within 60 days after the effective date of this
12 section, the Director of the Office of Management and Budget
13 shall promulgate a regulation designating the executive
14 agencies which carry out the functions described in clause
15 (i) of subparagraph (A) and to which the provisions of such
16 subparagraph shall apply.”.

17 On page 6, between lines 2 and 3, insert the following:

18 (b) Within 3 years after the date of enactment of this
19 Act, the Comptroller General of the United States shall
20 prepare and transmit to the Congress a report which analyzes
21 the implementation of the provisions of section 1344(a)(3) of
22 title 31, United States Code (as amended by subsection (a) of
23 this section). The report shall contain a description of the
24 effectiveness of the transportation authorized by such

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1 section and any abuses of such transportation, and any
2 recommendations for legislation the Comptroller General
3 considers appropriate.

H.R. 3614

(6)

Insert after subsection (c) a new subsection (d) to read as follows:

- (d) (1) The Secretary of an agency (or his designee) with employees serving or abroad may, with the concurrence of the Chief of Mission, authorize the use of government or leased vehicles for transportation between residence and place of employment, on a temporary basis, for personnel serving overseas when a determination is made that circumstances present a clear and present danger, that an emergency exists, or that other compelling operational considerations make such transportation essential to the conduct of official business.
- (2) Determinations made pursuant to paragraph (1) of this subsection, the reasons therefore, and the duration of authorization shall be in writing and a report of all such determinations given annually to the Committee of the Senate and the Committee of the House of Representatives.
- (e) (1) Any determination made under paragraph (7) of subsection (b)